

## REMARKS

Claims 37, 38, 43, 44, and 46-50 are pending in the application. Claims 37, 38, 44, and 46-50 are allowed. Claims 1-36, 39-42 and 45 have been previously cancelled.

### I. Claim Rejections—Nonstatutory Obviousness-type Double Patenting


Claim 43 stands rejected on the ground of the nonstatutory obviousness-type double patenting as being unpatentable over claims 10-20 of U.S. Patent No. 6,737,262. Applicant respectfully disagrees because claims 10-20 of the '262 patent do not recite the step of determining the amino acid deficiency of an animal fed with a conventional feed. By contrast, the instant Claim 43 specifically recites the step of ascertaining the nutritional needs of the animal by a feed analysis to determine the amino acid deficiency of the animal fed with a conventional feed.

Even if the Examiner is still not convinced by Applicant's argument presented in the foregoing paragraph, Applicant has enclosed a Terminal Disclaimer, which by established law suffices to overcome such a rejection. Withdrawal of the double patenting rejection is respectfully requested.

Applicant has addressed all issues raised in the last Office Action and believes that the remarks presented herein should place the pending claims in a condition for allowance. The Examiner is encouraged to call the undersigned attorney if a telephone discussion can advance the prosecution of the instant case. Applicant believes no additional fees are due at this time other than the fees for one month extension of time, and terminal disclaimer; however, the Commissioner is authorized to charge Deposit Account No. 12-0600 if any additional fees are required for this filing.

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Respectfully submitted:

  
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